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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,360	07/29/2003	Christopher M. Doran	2184	6279

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EXAMINER	
SMITH, CREIGHTON H	
ART UNIT	PAPER NUMBER
2614	
MAIL DATE	DELIVERY MODE
08/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/629,360	DORAN, CHRISTOPHER M.	
	Examiner	Art Unit	
	Creighton H. Smith	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,14-21 and 25-31* is/are rejected.

7)☒ Claim(s) *11-13 and 22-24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :15.03.04, 23.06.05, 25.01.06, 07.04.06.

Claims 1- 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because in line 1 of claim 1 applicant is claiming "a sending node" that sends an RTP packet that includes a code (SSRC/CSRC) that represents a source of real-time media, but does not actually identify that source. Later, in line 7 of claim 1, applicant claims that "*the* sending node," i.e., that same node referred to in line 1 is now sending an RTP header that includes an actual indication of the source of the real-time media.

It does not seem possible to the examiner that the same node can both: i) send a code that represents the real-time media source but does not actually identify the source, and ii) then actually identify the real-time media source in the RTP packet.

Examiner noted in the spec. where there is support for the server including an actual identification of the source, but this server would be another sending node and not the same sending node of line 1, unless examiner is totally confused about how the apparatus works. Does applicant mean the receiving node, claimed in line 2?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 14-21, 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brassil et al, U.S. patent #6,771,644 or Jacobs et al, U.S. Patent

Publication #2003/0107994 in view of Henderson et al, U.S. Patent Publication #2003/0231634.

Brassil et al disclose that their invention related to real-time IP multicast and for supporting audio/video program insertion in real-time, col. 2, lines, 55-60. In line 60 of col. 2 Brassil et al disclose that the nodes are using RTP in their multicasting roles. In col. 4, lines 30-35, Brassill discloses that proxies (12 & 14) are servers that transmit streaming audio and video to receivers (18 & 20), and in col. 3, lines 1-19, disclose that a provider, i.e., a node, transmits a multimedia stream to a 1st proxy (server). A 2nd provider (node) inserts a program into that destination multicast session. Assuming an available time slot, the 1st proxy will transmit control of the multicast session to the 2nd proxy which will transmit a 2nd program. Smooth transitions occur **by manipulation of the RTP header** in the packets and the associated RTCP stream. This is accomplished by **inserting advertisements**, col. 4, lines 5-12, into a primary program by a secondary provider (proxy-14). This task includes passing RP header information to advertisers to permit them to inject advertisements seamlessly, col. 4, lines 50-55. The content of either provider can be audio and/or video, prerecorded or live, encapsulated in RTP, col. 4, lines 56-57. This reads upon a videoconference.

In col. 5, lines 52 et seq., Brassil et al disclose the format of an RTP header. A synchronization source identifier (SSRC) is a random number which uniquely identifies the source of an RTP packet stream. Packets from a synchronization source are distinguished by a timestamp and a sequence number. In Fig. 2 Brassil et al show "Payload Type" in the header between bits 8 & 16.

Therefore, Brassil et al teach an RTP header being sent from a sending node (10) to a receiving node (12), which header includes applicant's recited elements of a SSBC identifier, a sequence number (located between bits 16 & 32 of Fig. 2), and a timestamp (2nd line from the top of the packet in Fig. 2). Brassil et al also teach the insertion of other information into the packet's header that will include advertisements from another merchant/advertiser. Brassil et al do not teach the insertion into the RTP header of an information packet including an "actual identification" of the sending node.

However, Henderson et al disclose in ¶¶-0043 and 0044 that name may be specified in the 2nd byte of the IP header. To have used Henderson et al teaching of using actual identification such as the name of the sender in the header of a packet in Brassill et al packet's header would have been obvious to a person possessing ordinary skill in the art because both references are teaching sending and receiving packet data including header information.

Claims 11-13, 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

23 AUG '07

Creighton H Smith
Primary Examiner
Art Unit 2614